

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO. 5:21-CV-00053-KDB-DCK**

UNITED STATES OF AMERICA,

Plaintiffs,

v.

**\$16,761 IN UNITED STATES
CURRENCY ,**

Defendants.

ORDER

THIS MATTER is before the Court on Claimant's Motion to Stay all further proceedings in this case pending a decision by the North Carolina Court of Appeals on whether Sanders' motion for return of property filed in a state district court on November 19, 2020 vested the North Carolina state courts with exclusive *in rem* jurisdiction over the property which is the subject of this proceeding. (Doc. No. 22) ("Motion"). The Government opposes a stay. (Doc. No. 26). Having carefully considered the motion and the parties' briefs and exhibits, the Court will exercise its discretion to **DENY** the Motion to Stay without prejudice.

The Claimant's motion makes substantial arguments in favor of granting a stay. However, the Court believes the case should continue through discovery as well as to allow for any potential resolution to occur while the proceedings in state court continue. The Court will consider a renewed motion to stay at the close of discovery if the state court proceedings are still pending.

IT IS THEREFORE ORDERED that Claimant's Motion to Stay, (Doc. No. 22), is **DENIED** without prejudice.

SO ORDERED

Signed: December 6, 2021



Kenneth D. Bell
United States District Judge

